

# **CAIFORNIA OFF-HIGHWAY MOTOR VEHICLE RECREATION COMMISSION**

MEETING MINUTES  
LIONS GATE HOTEL  
CLUB BALLROOM B  
3410 WESTOVER STREET  
McCLELLAN, CALIFORNIA

APRIL 15, 2005

**(MINUTES APPROVED SEPTEMBER 30, 2005 AS PRESENTED.)**

## **COMMISSIONERS PRESENT**

Paul J. Spitler, Chair  
Robert F. Chavez, Vice-Chair  
Judith A. Anderson  
John E. Brissenden  
Michael F. Prizmich  
Harold M. Thomas  
Edward H. Waldheim

## **DIVISION STAFF PRESENT**

Tim La Franchi, Legal Counsel, DPR  
Daphne C. Greene, Deputy Director, OHMVR Division  
Tom Ward, Acting Chief, OHMVR Division  
Rick LeFlore, Superintendent IV, OHMVR Division  
Jess Cooper, Superintendent III, OHMVR Division  
Joan Grammer, Senior Park and Recreation Specialist, OHMVR Division  
Julie D. Hom, Staff Park and Recreation Specialist, OHMVR Division  
Terry L. Harper, Park Maintenance Chief III  
Lowell Landowski, Associate Park and Recreation Specialist, OHMVR Division  
David Oujada, Associate Park and Recreation Specialist, OHMVR Division  
Andrew Zilke, Superintendent, Oceano Dunes District, CA State Parks  
John Horn, Superintendent, Hollister Hills District, CA State Parks  
Kathy Dolinar, Superintendent, Ocotillo Wells SVRA, CA State Parks  
Kathleen E. Mick, Deputy Director's Assistant-Special Projects, OHMVR Division  
Laurie J. Taylor, Executive Secretary, OHMVR Division  
Sandra J. Elder, Commission Assistant, OHMVR Division

**OFFICE OF THE ATTORNEY GENERAL STAFF PRESENT**

Kenneth J. Pogue, Deputy Attorney General

**REGISTERED VISITORS**

Alex Seyedi, Friends of Metcalf Motorcycle Park  
Zayna Seyedi, Friends of Metcalf Motorcycle Park  
Gary Barnett, Tahoe National Forest  
Fred Wiley, California-Nevada Snowmobile Association  
Jay Dobler, California-Nevada Snowmobile Association  
A.J. Seyedi, Friends of Metcalf Motorcycle Park  
Peter W. Huebner, Sierra County Board of Supervisors  
Tom Tammone, California Trail Users Coalition  
Michael Berg, Grapevine Adventure Association/ CTUC  
Robert Levy, Alpine County Sheriff's Office  
Fred Krueger, Plumas National Forest  
George Barnes, Sierra Club California  
Jim Keeler, Bureau of Land Management, CA State Office  
Sylvia Milligan, California-Nevada Snowmobile Association/ROC  
Jim Weigand, Bureau of Land Management, CA State Office  
Don Amador, Blue Ribbon Coalition  
Tony Scardina, United States Forest Service  
Dave Panchesson, Butte County Sheriff's Office  
Susan Tiffany, Butte County Sheriff's Office  
Dick Taylor, Kern Off-Highway Vehicle Association  
Diana Craig, United States Forest Service, Regional Office, Vallejo  
Lester Lubetkin, Eldorado National Forest  
Dave Peterson, CA Off-Road Vehicle Association  
Bruce Brazil, California Enduro Riders Association  
Eric Lamb, Calaveras County Sheriff's Office  
Dave Pickett, Am. Motorcycle Assn., Dist. 36, Motorcycle Sports Committee  
Virgil Welch, Planning and Conservation League  
Greg McKay, California-Nevada Snowmobile Association, Central Regional Dir.  
Nick Haris, American Motorcycle Association  
Karen Schambach, Public Employees Environmental Responsibility  
Don Klusman, Association of CA Four Wheel Drive Clubs, Inc.  
Lois Silvernail, CA Off-Road Vehicle Association/Stakeholders  
Philip Jenkins, Monterey District, CA State Parks  
Bruce Robinson, Spontaneous Citizen  
Dennis Cullen, Eldorado National Forest Law Enforcement

### **CALL TO ORDER**

Chair Spitler called the meeting to order at 9:08 a.m. in the Club Ballroom B, Lions Gate Hotel, 3410 Westover Street, McClellan, California.

### **PLEDGE OF ALLEGIANCE**

Chair Spitler led the meeting attendees in the Pledge of Allegiance.

### **ROLL CALL**

All Commission members were present.

### **APPROVAL OF AGENDA**

Chair Spitler announced the 2006/2007 Capital Outlay Projects were being withdrawn by staff and will be placed on the next regularly scheduled meeting agenda.

Commissioner Prizmich asked staff if this would create a problem in purchasing. Deputy Director Greene indicated it would not be a problem.

Commissioner Anderson moved and Commission Thomas seconded the motion to adopt the agenda as amended. MOTION CARRIED UNANIMOUSLY.

### **ELECTION OF OFFICERS**

Commissioner Waldheim informed the Commission that according to the information provided by staff, Rule 2 of the Rules of Order adopted May 18, 2001; states that elected officers may serve more than one term. He indicated the Commission should alternate the Chairs and Vice Chairs.

Therefore Commissioner Waldheim moved and Commission Prizmich seconded the motion to nominate Vice-Chair Chavez for the position of Chair.

Commissioner Thomas stated that the Chair position is very important. The Chair has an input for the agenda and legislative issues; especially the legislation to sunset the Commission. He felt the existing Chair and Vice-Chair should be re-elected.

Commissioner Thomas moved to amend the motion of Chavez for the position of Chair to Spitler for the position of Chair. Commissioner Anderson seconded this.

Commissioner Waldheim indicated the Chair position is to run the meeting not everything else, and it is only fair to let other members of the Commission serve as Chair and Vice-Chair.

Chair Spitler stated "I certainly would be uncomfortable supporting a member of this Commission as Chair who voted at the last meeting to abolish the Commission entirely. I think that's probably inappropriate to elevate that position to Chair."

Chair Spitler called for a roll call vote on the amended motion:

Anderson – aye  
Brissenden – aye  
Chavez – nay  
Spitler – aye  
Thomas – aye  
Prizmich – nay  
Waldheim – nay

MOTION CARRIED WITH FOUR AYES AND THREE NAYS.

Chair Spitler called for a roll call vote on the original motion which now states that Chair Spitler be re-elected as Chair:

Anderson – aye  
Brissenden – aye  
Chavez – nay  
Spitler – aye  
Thomas – aye  
Prizmich – aye  
Waldheim – nay

MOTION CARRIED WITH FIVE AYES AND TWO NAYS.

Commissioner Brissenden moved and Commission Spitler seconded the motion to nominate Commission Waldheim as Vice-Chair.

Commissioner Thomas moved and Commission Chavez seconded the amended motion to have Commissioner Chavez re-elected Vice Chair.

Chair Spitler called for a roll call vote on the amended motion to replace with Waldheim with Chavez:

Anderson – aye  
Brissenden – nay  
Chavez – aye  
Spitler – nay  
Thomas – aye

Prizmich – aye  
Waldheim – abstain

MOTION CARRIED WITH FOUR AYES, TWO NAYS, AND ONE ABSTENTION.

Chair Spitler called for the vote on the original motion, which now called for Commissioner Chavez as Vice-Chair. MOTION CARRIED UNANIMOUSLY.

### **COMMITTEE MEMBERSHIPS**

After much discussion of previously existing standing committees, Commissioner Thomas moved and Commissioner Waldheim seconded the motion to abolish all previously existing standing committees and memberships. MOTION CARRIED UNANIMOUSLY.

After further discussion as to which standing committees are necessary, Commission Thomas moved and Commissioner Chavez seconded the motion to adopt the following list of six standing committees as advisory to the Chair:

1. Awards and Recognition Standing Committee
2. Grants and Cooperative Agreements Standing Committee
3. Conservation and Law Enforcement Standing Committee
4. Capital Outlay and Acquisition Standing Committee
5. Route Designation Standing Committee
6. Policy Standing Committee

Chair Spitler called for the vote. MOTION CARRIED UNANIMOUSLY.

Chair Spitler asked each Commissioner which Standing Committee on which they would like to serve. After each Commissioner's input, Chair Spitler announced the following Standing Committee Membership:

1. Awards and Recognition Standing Committee
  - a. Commissioner Brissenden
  - b. Commissioner Waldheim
2. Grants and Cooperative Agreements Standing Committee
  - a. Chair Spitler
  - b. Commissioner Waldheim
2. Conservation and Law Enforcement Standing Committee
  - a. Commissioner Prizmich
  - b. Commissioner Brissenden

3. Capital Outlay and Acquisition Standing Committee
  - a. Commissioner Anderson
  - b. Commissioner Waldheim
4. Route Designation Standing Committee
  - a. Commissioner Chavez
  - b. Commissioner Thomas
5. Policy Standing Commission
  - a. Commissioner Waldheim
  - b. Commissioner Prizmich

Commissioner Thomas asked Deputy Director Greene how would the Division staff these standing committees. She answered that the Division would provide as much support as possible.

Commissioner Thomas asked for a commitment of a body and time.

Commissioner Chavez indicated Deputy Director Greene had offered as much support as possible.

### **APPROVAL OF MINUTES**

Commissioner Waldheim moved and Commissioner Prizmich seconded the motion to approve the minutes of the January 22, 2005 meeting of the Off-Highway Motor Vehicle Recreation Commission as presented.

Chair Spitler called for the vote. MOTION CARRIED UNANIMOUSLY.

Commissioner Anderson moved and Commissioner Thomas seconded the motion to approve the minutes of the February 4, 2005 meeting of the Off-Highway Motor Vehicle Recreation Commission as presented.

Chair Spitler called for the vote. MOTION CARRIED WITH ONE ABSTENTION.

### **CALENDAR**

Deputy Director Greene requested the August 5, 2005 meeting date for public testimony on the Northern California 2005/2006 Grants and Cooperative Agreements applications be changed to September 30, 2005. She stated staff needed more time to process the applications. She requested the September 9, 2005 meeting for public testimony on the Southern California 2005/2006 Grants and Cooperative Agreements applications remain as scheduled.

After much discussion, the Commission members agreed to reschedule.

Commissioner Waldheim moved and Chair Spitler seconded the motion to adopt the following schedule for the remainder of the year 2005:

September 9, 2005 – public testimony for So. California – Riverside

September 30, 2005 – public testimony for No. California – Sacramento

November 18-29, 2005 – approval of grants – location to be decided

Chair Spitler called for the vote. MOTION CARRIED UNANIMOUSLY.

## **REPORTS**

### **COMMISSIONER'S REPORTS**

Commissioner Waldheim reported that the CORVA website has all its meetings listed.

### **DIVISION REPORT**

Deputy Director Greene reported that Tom Ward's appointment as Acting Chief of the Division. She also shared with the Commission that Twin Cities Superintendent, Dana Jones, would be leaving to a position of Superintendent III at Big Sur Sector. She also reported Hungry Valley SVRA's south entrance closure due to storm damage.

She announced that the "Off-Highway Motor Vehicle Recreation Local Assistance Grants, Grants to Nonprofit Organizations and Educational Institutions, and Cooperative Agreements Program Emergency Regulations" (CCR Title 14, Division 3, Chapter 15, Sections 4970.00 – 4970.21) were adopted by the Office of Administrative Law (see Attachment A).

She also announced that (1) the 2005 Hangtown Motorcross Classic will be held on May 20, 21, 22, 2005 at Prairie City SVRA with the Division working in partnership with the Dirt Diggers, North, Motorcycle Club. It is the largest outdoor sporting event in Sacramento County. (2) California State Park's celebration of Earth Day will be May 23; five of the SVRA's will be participating in that event. Event brochures are available at local Starbucks and Whole Foods Markets.

Deputy Director Greene reported on her participation in the National Off-Highway Vehicle Collaborative Summit and subsequent meeting with the Chief of the U. S. Forest Service to discuss route designation.

She also reported that OHV Division and Sacramento Lands Conservancy participated in the National Association of Recreation Resource Planners Conference in eastern Sacramento County, which included a tour of the SVRA, Deer Creek, and Aerojet facility.

Deputy Director Greene informed the Commission that there are currently five auditors from the California Bureau of State Audits at Off-Highway Motor Vehicle Recreation Division. Their final report will be submitted sometime at the end of July or end of August. The audit is being done at the request of Senator Morrow to the Joint Legislative Audit Committee.

Deputy Director Greene clarified that SB 136 is phase one of a process that originated with SB 363, which established a joint legislative sunset review. SB 363 mandated all boards and commission have a sunset clause and a sunset review. SB 136 names the Boards and Commissions for phase one including the Off-Highway Motor Vehicle Recreation Commission, setting the sunset for July 1, 2006, unless modified by future legislation. The Department and the Division have taken a neutral stand on this legislation. The Department is moving forward on legislation to extend the sunset of the program.

Commissioner Waldheim informed the Commission members that AB 555 would extend the sunset clause for 5 years. It passed through the Assembly Transportation Committee at which he personally testified.

Commissioners Thomas and Prizmich requested to be informed when the Department's proposed legislation is available.

## FEDERAL GOVERNMENT REPORTS

U. S. Forest Service – Dr. Rich Farrington, Statewide OHV Coordinator, provided the Commission with a quarterly report on the Forest Service's activities, a report on wildlife conservation projects, a report on Forest Service's California Federal Bail Schedules (Title 36 CFR Part 261), and a report on OHV Route Designation Status in National Forests in California (Attachment B).

Chair Spitler thanked Dr. Farrington. Then he announced the Public Comment Period, agendized for 11:00 a.m.

## **PUBLIC COMMENT PERIOD (AGENDIZED FOR 11:00 A.M.)**

Don Amador, Blue Ribbon Coalition. Withdrew his request to speak.

Bruce Brazil, California Enduro Riders Association. He stated, "I understand these meetings are supposed to be for interface between the public, the Division, and the Commissioners. Unfortunately, not everyone can make it to these



meetings and so I think getting the Minutes of the meetings posted on the Internet in a timely manner would be helpful. And I understand that the Division has been very busy so I'm just asking for an improvement in the future. Thank you."

Deputy Director Greene indicated she would look into the legality of posting draft minutes on the Internet.

Mr. Brazil also stated that "under public testimony on the back of our agenda sheet here, the first line of it says: Individual Items, the Chair will entertain public comments as agenda items are discussed. So far in this meeting and previous meetings that I have attended, the Chair has not entertained public comment as each agenda item is being discussed."

Mr. Brazil asked for clarification on membership of the grants review committee mentioned in the emergency regulations.

Robert Levy, Alpine County Sheriff's Office. Withdrew his request to speak.

Don Peterson, Northern Director for California Off Road Vehicle Association, expressed concern about the route designation process, especially in the Mendocino, Stanislaus and the Sequoia. He feared that the number of miles of currently existing trails would be pared down to the number stated in existing Forest Orders, reducing trails by more than half.

Greg McKay, California-Nevada Snowmobile Association and North Tahoe Snow Travelers, informed the Commission of the association's attempts to assist the Forest Service in identifying illegal riders in the Mount Rose Wilderness Area.

## **REPORTS (continued)**

### FEDERAL GOVERNMENT REPORTS (continued)

Bureau of Land Management – Jim Keeler, BLM California OHV Coordinator, provided the Commission with a report on all of BLM's field offices (Attachment C).

He also introduced Rick Covington, from Student Conservation Association, an organization partnering with USFS on restoration of wilderness areas in the California Desert District.

Mr. Keeler announced the completion of paving at El Mirage Dry Lake.

Commissioner Prizmich asked Mr. Keeler if peak visitation periods are more prone to vandalism. Mr. Keeler indicated long holidays tend to be more family-oriented with less vandalism.

Commissioner Anderson stated that she recently visited Spangler Hills and Dove Springs. She reported there were no rangers in evidence at Spangler but there

were Kern County deputy sheriffs at Dove Springs. She expressed concerns regarding restroom and trash conditions.

Commissioner Waldheim informed Commissioner Anderson that Friends of Jawbone/Dove Springs are working on the installation of more restrooms and trash containers.

Commissioner Waldheim asked if BLM is holding public meetings regarding their grant applications? Mr. Keeler stated there is one scheduled for May 10 in the CA Desert Office as well as all of the other field offices.

Chair Spitler recessed the meeting for lunch at 11:20 a.m.

Chair Spitler reconvened the meeting at 1:05 p.m.

### **UNFINISHED BUSINESS**

#### **JOINT COMMITTEE LETTER**

Chair Spitler asked Commissioners Chavez and Thomas to report on the Joint Committee draft letter.

Commissioner Chavez said, "We're continuing the matter for additional investigation of some background conditions that apparently are unresolved due to information received this morning. As I stated before, any Commissioners having other thoughts should e-mail them to me as this is a joint Commission letter."

Chair Spitler asked if there was any public comment.

Commissioners Chavez and Thomas left the meeting at 2:00 p.m.

### **NEW BUSINESS**

#### **2006/2007 CAPITAL OUTLAY PROJECTS**

This item was removed from the agenda.

## LAW ENFORCEMENT ISSUES

Chair Spitler asked if Commissioner Brissenden to speak to this issue.

Commissioner Brissenden gave a brief overview of the law enforcement meetings that have been held and introduced Dr. Farrington for an update on the meetings with the magistrate.

Dr. Farrington reported that the Commission's resolution has been forwarded to Judge Kellison, but no others.

Commissioner Brissenden asked that the resolution be disseminated to all other magistrates.

Deputy Director Greene requested the language utilized for the cover letter to Judge Kellison with the Commission's resolution.

The following people contributed their own experiences regarding the need for the federal judges to update their bail schedules:

Gary Barnett, Patrol Captain, Lake Tahoe Basin and Tahoe N.F.

Dennis Cullen, Patrol Captain, Eldorado N.F.

Eric Lamb, Calaveras County Sheriff's Office

Chair Spitler called for public comment on this issue.

Don Klusman, California Four Wheel Drive Association. "We share all the concerns that have been voiced or vented today. We want to see all lawbreakers who go into closed areas, whether its wilderness or closed by other means, are fined and imprisoned or whatever we can possible do to discourage this. If there is a bad apple group out there, and I am afraid it's growing, then we need to step up law enforcement and prosecute them to their fullest. Thank you."

Fred Wiley, California-Nevada Snowmobile Association, strongly supported enforcement to the point of confiscation at third or fourth infraction.

Robert Levy, Undersheriff, Alpine County Sheriff's Office, reported on issues with renegade rental companies renting snowmobiles to first time riders with no supervision or instruction on proper, legal operations.

Dave Pickett, President of the Bear River Summer Home Tract Association, fully supports law enforcement on these issues.

Karen Schambach, Public Employees for Environmental Responsibility. She stated that she would like to see the fines collected for violations stay in the county.

Michael Berg, Grapevine Adventure Association and CTUC, reported the Kern County Sheriff's Office has committed to purchase two new motorcycles to help with the enforcement in the Mount Pinos Ranger District.

Commissioner Waldheim asked how monies collected from fines could be kept within the local communities.

Jess Cooper, Superintendent III, OHMVR Division, informed the Commission that Assembly Bill No. 2274, sign into law September 2002, gave 100% of the fine money back to the counties.

Commissioner Waldheim asked how monies collected from fines could be kept within the local communities.

Deputy Director Greene stated that any tracking would be the responsibility of the individual county.

Lois Silvernail, California Off-Road Vehicle Association reported on CORVA's educational efforts called "Into Dirt."

Commissioner Waldheim. Asked that the law enforcement committee look into the Chinese imports flooding into the market

#### DISCUSSION AND POSSIBLE APPROVAL OF A RESOLUTION REGARDING AB 1086

Chair Spitler indicated the item would be removed from the agenda, as the requestor was not at the meeting.

#### REVIEW PLANNING CONSERVATION LEAGUE FOUNDATION DRAFT REPORT ON BUFFER ZONES

Commissioner Waldheim asked Virgil Welch to speak. (See Attachment D)

Virgil Welch, Project Manager, Planning and Conservation League gave an update of the report being prepared for the identification of potential buffer opportunities for traditional OHV riding areas, including near SVRAs, USFS areas, and BLM lands in California

Commissioners Waldheim and Anderson, as members of the capital outlay committee agreed to meet with Mr. Welch and Deputy Director Greene to discuss the reports findings and identify potential areas of interest to the Commission.

Chair Spitler called for public comment on this issue.

Chair Spitler recessed the meeting for a five-minute break.

Chair Spitler reconvened the meeting.

#### DISCUSSION OF WINTER RECREATION PROGRAM

Chair Spitler indicated this item would be removed from the agenda, as the requestor was not at the meeting.

#### DISCUSSION OF 2006/07 BUDGET

Joan Grammar, Senior Park and Recreation Specialist, OHMVR Division, gave an overview of the Off-Highway Motor Vehicle Recreation Division's 2005/06 Governor's Budget Fund Condition, the 2005/06 Capital Outlay Projects, and the 2006/07 Estimated Fund Condition (See Attachment E).

#### REVIEW COMMISSION POLICIES

Chair Spitler asked the Policy Committee to review existing policies and bring items for discussion to the Commission in this fall.

#### "WALDHEIM" BUDGET FOR GRANTEES

Chair Spitler ask Commissioner Waldheim to explain his "Waldheim" Budget.

Commissioner Waldheim explained in detail the operation of the "Waldheim" Budget form, which could be used as a tool in evaluating grant applications. (See Attachment F)

Chair Spitler called for public comment on this issue.

Don Klusman, California Four Wheel Drive Association, clarified that the item was not a Commission document, and if the item was to be a requirement, it should be presented to all agencies with clear instructions.

Dave Pickett, District 36 Motorcycle Sports Committee representative expressed concern that some applicants may have resistance to the newly implemented grant process, which asks the applicant to apply for everything, that's available.

Bruce Brazil, California Enduro Riders Association, felt that the budget would just add additional work to an already lengthy process.

Deputy Attorney General Ken Pogue clarified that the Waldheim budget was not currently a requirement to the submittal of grant applications.

Chair Spitler called on Deputy Director Greene for further clarification.

Deputy Director Greene expressed the Division's commitment to paring down the amount of documentation for the Commissioners and the public to review. She emphasized the competitive evaluation process the Division would follow. She stated that multi-year funding is not currently a possibility, but would not preclude it from consideration in future years.

Commissioner Anderson stated she felt the "Waldheim" budget should provide the agency with a tool to go to their superiors and ask for additional allocations and appropriations, or by the off-highway vehicle and the conservation communities to use as a lobbying tool.

Commissioner Prizmich also expressed support of the multi-year concept especially for smaller counties to do long term planning and hiring.

Commissioner Brissenden echoed Commissioner Prizmich's comments, but cautioned against in-kind padding by agencies.

### **ADJOURNMENT**

Commissioner Anderson moved and Commissioner Prizmich seconded the motion to adjourn the meeting at 3:40 p.m. MOTION CARRIED UNANIMOUSLY.

Daphne C. Greene, Deputy Director  
California State Parks  
OHMVR Division

Sandra J. Elder  
Commission Assistant  
OHMVR Division